

Exhibit C

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Pages: 1-244
Exhibits: 1-23

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 1:19-CV-10845-ADB

GAIL SWEENEY
Plaintiff

vs.

SANTANDER BANK, N.A.
Defendant

DEPOSITION OF KARIN A. FITCH-URBANE

APPEARING REMOTELY FROM

FALMOUTH, MASSACHUSETTS

WEDNESDAY, OCTOBER 7, 2020

10:05 a.m.

Reported by:

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Gail Sweeney

1 Q. Your employer, Santander, has authorized you to
2 be here?

3 A. Yes.

4 Q. What is your current position with Santander?

5 A. I am a Senior Employee Relations Consultant in
6 Human Resources.

7 Q. Senior Employee what?

8 A. Relations Consultant.

9 Q. Okay. Has that position ever changed in the
10 course of your career with Santander?

11 A. No.

12 Q. What is the business address?

13 MR. MELNICK: Objection. You can answer.

14 MR. HOLMES: Strike that.

15 Q. Where do you work? What's the address for the
16 office that you show up in?

17 A. My work location prior to COVID was 5 Whittier
18 Street in Framingham, Massachusetts.

19 Q. Are you working exclusively from home now?

20 A. Yes.

21 Q. Do you plan on leaving Santander anytime in the
22 near future?

23 A. I don't know.

24 Q. The reason I ask that is because I've seen going

1 Consultancy Department is?

2 A. Employee Relations Team provides consultation to
3 all employees on matters related to things like
4 managers having problems with employees,
5 employees having problems with managers,
6 conflict between two employees. I participate
7 in investigations, do some training --
8 facilitate some training, I should say. It's
9 consultative in nature to partnership with
10 departments I support in helping them with
11 employee-related matters.

12 Q. To whom do you report currently?

13 A. Debbie Hamid, H-a-m-i-d.

14 Q. And what is her position?

15 A. Senior Manager Employee Relations.

16 Q. Does Debbie, if you know, have the authority to
17 hire or terminate employment?

18 A. Yes, for her own team.

19 Q. What does her team consist of?

20 A. The Employee Relations Team of Human Resources.

21 Q. Maybe I should better understand, how is the
22 Human Resources Department currently divided or
23 broken up in Massachusetts only?

24 A. In Massachusetts, it's the same as it is, you

1 do what needs to be done in accordance with the
2 nature of the facts and findings.

3 So yes, I was aware that was discussed,
4 and yes, I was part of the discussion about
5 termination. Yes, I was. But the request to go
6 to termination was from Dan Hyland.

7 MR. MELNICK: I'm going to jump in and say
8 the discussion regarding termination was with
9 counsel and, therefore, probably privileged. So
10 I'm just going to interject that. I think all
11 of the questions up to there have been fine, but
12 I'll assert that at this point.

13 MR. HOLMES: Okay. Thank you.

14 Q. Who else was part of that discussion again,
15 please? I don't want to know what you discussed
16 because of a privilege that Mr. Melnick is
17 raising, but who else was involved in that
18 discussion?

19 A. So if I may just ask for clarity. There would
20 have been Dan Hyland, had a conversation and
21 provided me his wishes, which was to go to term.
22 My privileged conversation with my team, which
23 would have been Chris Ciarrocchi, Debbie Hamid,
24 Mike Pagano, Brian Molinari, myself, that would

1 have been -- that was brought forward to say
2 that was Dan Hyland's request, and we review it
3 for -- what is in our -- I don't know what the
4 word is -- I'm drawing a blank on the word --
5 what our role is to review the information, the
6 request of management and executing on what the
7 next step is. And in this case it was a mutual
8 agreement.

9 Q. You conducted quite a thorough investigation;
10 correct?

11 A. Yes.

12 Q. And you interviewed a bunch of different people
13 who made claims against Ms. Sweeney?

14 A. Yes.

15 Q. After your investigation, you did not make any
16 specific personal recommendation based upon your
17 investigation as to what should happen to
18 Ms. Sweeney?

19 MR. MELNICK: I'm going to object to the
20 extent it's asking about the conversation with
21 counsel and others. But outside of that, you
22 can answer, Ms. Fitch-Urbano.

23 Q. Other than the conversation with the attorneys
24 and the paralegal and any counsel, after your

1 investigation, which was the one thing that you
2 did in this, you did not reach a conclusion. Am
3 I understanding that correctly?

4 A. I guess -- I want to answer so that I answer
5 correctly. This determination in what we did.
6 And how we ended up going to mutual agreement
7 was something that myself, my boss, my boss's
8 boss, and internal legal counsel rendered a
9 decision to go to mutual agreement with
10 Ms. Sweeney.

11 Q. I'm just asking about you. At some point in
12 time did you ever write -- did you ever tell
13 anybody, other than counsel, that you
14 recommended the termination of Ms. Sweeney?

15 A. I did not oppose termination, but it was not my
16 decision solely.

17 Q. Did you ever draw any conclusions from your
18 investigation that you told to Mr. Hyland
19 without counsel present?

20 A. I provided my information to internal counsel,
21 Chris Ciarrocchi.

22 Q. I want to ask you some questions back about that
23 coaching. You do not know, sitting here today,
24 the results of the March 6, 2017 or April 6,

1 her termination was due to 'inappropriate
2 behavior' allegedly she committed."

3 Do you understand that question?

4 A. I do.

5 Q. Okay. If you switch over to page 5.

6 A. Okay.

7 Q. Starting with, "Santander states:" Do you see
8 that, the third line down?

9 A. Yes.

10 Q. "On or about June 16, 2017, an employee within
11 the Fraud Department raised a concern to Kim
12 Williams, Fraud Manager, who forwarded the
13 complaint to Karin Fitch-Urbano, Employee
14 Relations Consultant, to investigate."

15 What was that complaint?

16 A. That complaint was Corey Black raised to Fraud
17 Management that she was feeling -- that she was
18 working in an environment that made her
19 uncomfortable, and that there was a -- she was
20 uncomfortable.

21 Q. Does Corey Black still work for Santander?

22 A. I don't -- no, she does not.

23 Q. Do you know if she was terminated?

24 A. My recollection is she voluntarily resigned.

1 I don't know what she indicated in her
2 employment information.

3 Q. You said she felt uncomfortable. Can you be
4 more specific? What did she tell you about
5 feeling uncomfortable?

6 A. Sure. She did -- I believe that was the
7 incident that started on June 14th, on or around
8 June 14th, where Corey, Jake Stacy, Triana would
9 have been conversing in Spanish on the floor.
10 And when I describe the floor, the Fraud
11 Department kind of sits open style, open
12 concept, so there's like no general offices,
13 everybody is kind of out in like an open
14 bullpen. And they were speaking in Spanish and
15 Ms. Sweeney did ask them to refrain from
16 speaking in Spanish and that it was America, and
17 that they needed to speak English in America in
18 the department.

19 Q. What rule or regulation of Santander's, back in
20 2016, did that statement by Ms. Sweeney violate?

21 A. I'm sorry, I missed the front part of that.

22 Q. Sure. What rule or regulation or policy of
23 Santander's, back in 2016, did that statement,
24 if true about Ms. Sweeney, what did that

1 violate?

2 A. Thank you. That would have been our Code of
3 Conduct, Equal Opportunity, Respectful and Safe
4 Workplace Environment.

5 Q. Was there an accepted language to be spoken
6 within the Santander branch or the Santander
7 offices in Framingham?

8 MR. MELNICK: Objection.

9 A. So when you say "accepted language," could I
10 just ask, are you asking me to confirm that
11 other languages can't be spoken or that it's a
12 mandate that they only speak English? I'm not
13 clear of the question.

14 Q. I will take first, is there a mandate that they
15 only speak English?

16 A. No.

17 Q. Is there a mandate that the other languages can
18 be spoken?

19 A. Yes. Let me just clarify. Is there a mandate
20 that others can be -- there's no mandate that
21 they have to speak another language, but we
22 have, you know, clearly, the EEO or the EO
23 guidelines that tell us what can be done.

24 Q. How many desks, if you know, were in the bullpen

1 A. In my opinion?

2 Q. Yes.

3 A. No.

4 Q. How about in Mr. Hyland's opinion, if he ever
5 told you, did he ever say that was a fireable
6 offense in and of itself?

7 A. I don't believe he ever gave me that information
8 as you've asked the question. I don't think I
9 ever heard it from him in that respect.

10 Q. Did you ever hear that information from Jose
11 Claudio that he thought it was fireable offense
12 to say that?

13 A. I don't recall him saying that.

14 Q. Do you remember Ms. Williams ever saying that
15 she thought it was a fireable offense if
16 Ms. Sweeney made that statement to other
17 employees there?

18 A. I don't recall her saying that in what you're
19 asking me of that one area of "speak English in
20 America."

21 Q. There were three complaints, Corey Black, Triana
22 and someone else. I can't recall the name.

23 A. No, Corey Black was the initiator of the
24 complaint.

1 Q. What else?

2 A. Corey -- so what happened was, Corey did raise
3 that as the first complaint. I'm just trying to
4 remember the recollection. She also was
5 concerned because there was a comment made or it
6 was known on the floor, their perception not
7 mine, team members on the floor, that Gail had
8 friends in HR, and that she finds out who
9 snitches on her. So people were fearful of her.
10 So she was concerned about raising things or
11 raising issues because she was fearful of what
12 others on the floor perceptions were of Ms.
13 Sweeney.

14 Q. What investigation on that claim did you make?

15 A. Are you asking about the snitching comment?

16 Q. Yes.

17 A. So again, that was one of the questions that I
18 did review, and it was substantiated by, I
19 believe, three people. And one person, in
20 particular, said that Ms. Sweeney talked to her
21 about snitches in the department.

22 Q. Is that a fireable offense, in your opinion?

23 A. In my opinion, that alone?

24 Q. Yes.

1 it was received in Human Resources, we would
2 have that information.

3 Q. How old is Corey Black?

4 A. I don't know.

5 MR. MELNICK: Objection.

6 Q. Under 40? Over 40?

7 A. I would be speculating if I were to answer.

8 Q. Under 30? Over 30?

9 MR. MELNICK: Objection.

10 A. I would be speculating, sir.

11 Q. Did you consider her to be an honest source or
12 an honest complainant?

13 A. It is my job to take the information in, gather
14 the information, and then to do an assessment of
15 what was brought in, and that is what I did,
16 sir.

17 Q. And what was your assessment, that it was true?

18 A. The assessment was, in my interpretation and in
19 my opinion, my assessment of the initial
20 complaint was the over-encompassing
21 investigation that I did. Clearly, she wasn't
22 terminated just because Corey Black brought
23 something to the forefront. It wasn't on Corey
24 Black alone. A concern was raised. People

1 raise concerns all the time that aren't
2 legitimate. It is my duty, as an Employee
3 Relations person, to take the information, do an
4 investigation, come up with findings and facts,
5 and then base a decision on that.

6 Ms. Sweeney was not terminated because
7 Corey Black made a concern specifically; it was
8 the information that was corroborated as part of
9 a full investigation that the determination was
10 made.

11 Q. And what was the other information that
12 corroborated Corey Black's claims?

A. What other information?

14 Q. Yes.

15 A. Basically, Corey's was just, as I've stated
16 earlier, she brought up the situation of the
17 "speak English in America," and in terms of
18 knowing there was -- that comment about the
19 snitching. But those were her pieces of it.

20 Q. So let's go to your next or the next statement
21 in Santander's answer to interrogatories. This
22 one starts with -- and it's six lines down.

23 "The allegations were around race and
24 ethnic discrimination."

1 A. Yes.

2 Q. And it's those handwritten notes that we're
3 going to get into in a little bit, probably
4 after lunch. And that's all in there?

5 A. My comments about what -- there were two
6 comments about racism, and the other one came
7 from Andrew Grossman.

8 Q. He was also in that unit, the Fraud Unit?

9 A. Yes.

10 Q. What did he say?

11 A. He alluded to overhearing Ms. Sweeney say
12 something to the effect, not these exact words,
13 but he said, "What do all these black people do
14 here all day? They just stand around."

15 Q. Did he ever tell that to Mr. Claudio?

16 A. I don't believe he did. I don't recall if he
17 did.

18 Q. Do you know if he ever told that to
19 Ms. Williams?

20 A. I don't know if he did.

21 Q. Did he contact you?

22 A. I contacted him.

23 Q. Because of why?

24 A. As part of my investigation, he was named as

1 audience, not him asking for my audience.

2 Q. Did you speak to anybody else in the Fraud Unit
3 on these allegations?

4 A. I did.

5 Q. Who else was that?

6 A. I spoke to -- well, I spoke to -- aside from
7 Corey, Triana, Jake Andrew and Edith, I spoke to
8 Lisa Alrashid, Aliaksandra -- and I'm going to
9 butcher her last name, she goes by Sasha
10 Astrakova, Jose Claudio, Eddie Veiga, James
11 Berard, Christine Ramoutar and Gail Sweeney.

12 Q. You went much faster than my hand could write.

13 A. I'm sorry.

14 Q. That's okay. Triana, what was her last name?

15 A. All right. So it's Corey Black.

16 Q. Yes.

17 A. Triana Giglio, Jacob Stacy, he goes by Jake.

18 Q. Okay.

19 A. Andrew Grossman.

20 Q. Yes.

21 A. Edith Almeida, and it's A-l-m-e-i-d-a.

22 Q. Thank you.

23 A. Lisa Alrashid, and it's A-l-r-a-s-h-i-d.

24 Q. Yes.

1 A. Okay, this is the one I might have to get a
2 correct spelling. It's Sasha Astrakova. And I
3 apologize, I don't have her exact last name
4 committed to memory.

5 Q. That's okay.

6 A. I can get the correction on that if you need.
7 Jose Claudio, Eddie Veiga, James Berard.

8 Q. How do you spell the last name?

9 A. James, it would be B-e-r-a-r-d.

10 Q. Okay.

11 A. Christine Ramoutar, R-a-m-o-u-t-a-r. I might be
12 butchering the spelling. It's Christine
13 Ramoutar, and Ms. Sweeney herself.

14 Q. Christine Ramoutar?

15 A. Mm-hmm.

16 Q. You have to say yes or no.

17 A. I'm sorry. My apologies.

18 Q. That's okay.

19 A. Yes.

20 Q. Is Corey Black still employed there? I forgot
21 the answer to your question.

22 A. No.

23 Q. Terminated or left on own?

24 A. My recollection is she left on her own.

1 know, questions pertaining to what they were
2 witness to.

3 Q. Did each one of these people that we just
4 listed, did they all comment that they heard
5 Ms. Sweeney make those statements about black
6 people?

7 MR. MELNICK: Objection.

8 A. No, not all of them.

9 Q. Who did not hear her say that?

10 A. I would have to go back to my notes, to my
11 investigation notes, so I could accurately
12 respond to that. Off the top of my head, I know
13 that Edith Almeida, Andrew Grossman, on the
14 racist comments, that's who told me that.

15 Q. Do you know who she was saying that or allegedly
16 saying that to when she supposedly made this
17 statement?

18 A. I do recall Edith telling me that that was a
19 direct comment from Ms. Sweeney to her. And
20 Andrew said he just overheard Ms. Sweeney making
21 that statement.

22 Q. Mr. Grossman?

23 A. Mr. Grossman.

24 Q. He heard that?

1 A. Yes, that's what he told me.

2 Q. Do you know how long Mr. Grossman had worked at
3 Santander by the time he made this claim?

4 A. I don't. Not off the top of my head, I don't.

5 Q. Did you review his personnel file at any part of
6 your investigation?

7 A. His personnel file, no.

8 Q. Did you review Ms. Almeida's personnel file?

9 A. No.

10 Q. Did you do any investigation to see if she had
11 made other claims against any other co-workers?

12 A. There was nothing that was presented at that
13 time that I can recall.

14 Q. Did you speak to Ms. Sweeney about having made
15 these comments?

16 A. Did I ask Ms. Sweeney if she made these
17 comments?

18 Q. Yes.

19 A. Yes, I did.

20 Q. What did she say?

21 A. She denied the racism comments.

22 Q. Did you believe her?

23 A. I conducted my investigation the way I asked my
24 questions, it's not for me -- you know, I asked

1 I recommended termination. I provided the facts
2 of the investigation, as noted, as stated to
3 internal counsel. The request to go to
4 termination was driven by Dan Hyland.

5 Q. Was the statements that Ms. Almeida and
6 Mr. Grossman claim that Ms. Sweeney, the racist
7 statements, was that grounds for termination in
8 your opinion?

9 A. The racist comments?

10 Q. Yes.

11 A. Possibly, yes, it could be.

12 Q. Why do you say "could be"?

13 A. Because we have a no tolerance -- the bank has a
14 no tolerance to making -- you know, we abide by
15 the EO and our Code of Conduct about being open
16 and inclusive. Others felt it was a hostile
17 work environment.

18 Q. Because of Ms. Sweeney?

19 A. Yes.

20 Q. Because of that statement?

21 A. That, amongst others.

22 Q. What were the others?

23 A. Other ethnic comments or things that were
24 brought forward in my investigative interviews.

1 Q. So let's talk about what those other things
2 were.

3 A. Okay.

4 Q. What were they?

5 A. So there was, for the people that I interviewed,
6 there was -- that Ms. Sweeney didn't like James
7 Berard, and that she would say things to him or
8 in a manner that made others feel uncomfortable.
9 Example of like, "Shut up," when she wasn't
10 pleased with him. And others that's
11 corroborated that Ms. Sweeney had said something
12 to them about Mr. Berard. That was one.

13 Q. Is Mr. Berard a white, black or Spanish man?

14 A. Appears white.

15 Q. Were any racist statements made to Mr. Berard by
16 Ms. Sweeney?

17 A. Not that I'm aware of.

18 Q. So "shut up" was what was said to you by Mr.
19 Berard?

20 MR. MELNICK: Objection.

21 A. Mr. Berard didn't say that. Other people
22 witnessed behaviors of Ms. Sweeney toward
23 Mr. Berard or was told, you know, "Don't talk to
24 him. I don't like the sound of his voice. He

1 bothers me."

2 Q. How old is Mr. Berard?

3 A. I would be speculating. I don't know.

4 Q. You don't know?

5 A. I don't know.

6 Q. And Mr. Berard, he works there still?

7 A. He still does, yes.

8 Q. Was that a fireable offense for allegedly
9 Ms. Sweeney saying "shut up"?

10 MR. MELNICK: Objection.

11 A. Standalone, I would say in my opinion, no.

12 Q. Where in your investigation does it say that
13 Ms. Sweeney created a hostile work environment
14 in that unit?

15 MR. MELNICK: I'm sorry. Outside of any
16 privileged documents, but you can go ahead.

17 A. So there was a lunch break issue that was
18 brought forward between Ms. Sweeney --

19 Q. I'm not asking the particulars, I'm just saying
20 where in your conclusions, your investigation,
21 your report, does it say, and other than to
22 attorneys, that Ms. Sweeney created a hostile
23 work environment? I did not see it.

24 A. I think -- and my apologies, I think in asking,

1 the way that you just posed a question, my
2 opinion was that the information that was --
3 that I had that was substantiated, information
4 that was corroborated, in my opinion could be
5 one that would have led to potential risk for a
6 hostile work environment claim.

7 Q. I'm just saying where is that written? Is it
8 written anywhere?

9 MR. MELNICK: Objection.

10 Q. Other than with attorneys, is it written
11 anywhere in anything that I've seen?

12 MR. MELNICK: Objection.

13 A. I don't believe so.

14 Q. Strike that. Is it written anywhere that it was
15 a hostile work environment due to Ms. Sweeney?

16 A. Written in anything, no, except for privilege.

17 Q. But

18 A. Yes.

19 Q. Did anybody

A. I'm sorry?

21 Q. Did anybody

22 Ms. Sweeney made it a hostile work environment.

23 A. People told me they were fearful of her.

Q. I'm not saying that. I'm saying, did anybody

1 ever say it's a hostile work environment because
2 of her?

3 A. In my opinion when somebody is fearful of
4 someone, that could be considered hostile.

5 Q. I'm going to just try that again. Is --

6 A. No.

7 Q. Okay. When they were fearful of her, were they
8 fearful that she was going to hurt them
9 physically?

10 A. Not to my knowledge, no.

11 Q. Did anybody ever say that they felt threatened
12 by her physically?

13 A. Not physically, no.

14 Q. So where was the threat going to be?

15 MR. MELNICK: Objection.

16 A. In an environment where they felt bullied or the
17 behaviors demonstrated on comments made by
18 Ms. Sweeney made them feel uncomfortable.

19 Q. But Jose Claudio was in the same room or
20 Ms. Williams was in the same room.

21 A. Ms. Williams is probably in an office, I don't
22 know if -- she wasn't out in the bullpen, I
23 don't believe.

24 Q. Who said they felt bullied by Ms. Sweeney?

1 friends in HR, but she did admit to talking
2 loudly when I asked her that question.

3 Q. Who were the people that said they were told by
4 Ms. Sweeney that she had friends in HR?

5 A. There was definitely -- just give me a moment to
6 think about this.

7 Q. Take your time.

8 A. It was definitely Edith and Andrew, I believe
9 Corey, Triana and -- were aware of the comments.
10 Edith admitted to -- and that all had to do with
11 the snitching comment about having friends in
12 HR, who is snitching to HR. And people felt
13 that they couldn't raise concerns prior because
14 they felt that Ms. Sweeney had some power.

15 Q. What was the time frame that Edith or Andrew
16 claimed that Ms. Sweeney had some power in HR?

17 A. In terms of like exact dates that she said that,
18 I don't have exact dates, but it was something
19 in their work relationship with her that that
20 was during that time frame.

21 Q. It was during the time frame that you were there
22 in 2015, '16; right?

23 A. Yes, because I don't know when -- like, I don't
24 know when Corey started.

1 Q. So Edith and Andrew say that they felt bullied
2 or afraid of her because she had friends in HR?

3 A. Edith asked to have her seat moved away from
4 Ms. Sweeney.

5 Q. They told you that they were afraid of her
6 because she had friends in HR; is that true?

7 A. There are people that said that, yes.

8 Q. Okay. That's Edith and Andrew?

9 A. Edith, Andrew and then Corey -- and again, I
10 don't have my exact notes in front of me, but
11 there was a consensus with my interviews that
12 there was -- that information is in there, I
13 don't have my interview notes in front of me.

14 Q. I just wrote down what you said. You said Corey
15 and Triana were --

16 A. Yes, Corey and Triana were part of that
17 conversation, and yes.

18 Q. And they were aware of the comments?

19 A. Comments of?

20 Q. That Ms. Sweeney had friends in HR.

21 A. Yes.

22 Q. And Edith and Andrew claim that they actually
23 heard her say that?

24 A. Edith did.

1 regulation?

2 A. People admitted to feeling that the environment
3 was not comfortable.

4 Q. Did anybody say that they felt they were being
5 discriminated against?

6 A. I would have to reflect back if those exact
7 words were done, but the inference of feeling --
8 of cultural or people's backgrounds, not English
9 being their first language or their natural
10 origin, yes, people felt that Ms. Sweeney felt
11 negatively towards that and made comments that
12 made them feel uncomfortable.

13 Q. So Ms. Almeida felt that she was being
14 discriminated against or harassed?

15 A. No.

16 Q. Corey Black felt that she was being
17 discriminated against?

18 A. She was uncomfortable with the statements
19 pertaining to her background and her native
20 language. Yes, she felt uncomfortable and felt
21 that Ms. Sweeney's comments made her feel
22 uncomfortable.

23 Q. But Ms. Sweeney had no authority over Ms. Black,
24 they were peers.

1 resignation."

2 There is no answer to this question
3 either. The problem is that this information is
4 important to my client's claim and I need to get
5 this information. Do you know where this
6 information is housed?

7 MR. MELNICK: Objection.

8 A. Employee information is on our employee system,
9 last known address on file, we would have. If
10 they have moved or changed anything and didn't
11 report to us, we would only have what the last
12 known address is on record.

13 Q. And the phone number would be part of that, too;
14 right?

15 MR. MELNICK: Objection.

16 A. If they indicated it and if it's correct.

17 Q. You understand we'll take the last known
18 address, I'm not asking Santander to give me
19 anything more than give us their last. But you
20 could tell by the number of people who have been
21 discharged over the period of time or have left
22 or resigned, we have no means to find them,
23 which is why I've asked that question.

24 MR. MELNICK: Objection.

1 A. Sure. Understood.

2 Q. Thank you.

3 Number 12, again starts on 16 only for its
4 designation as a question.

5 A. I have it.

6 Q. It says, "For each and every person identified
7 in Santander's answer to Number 11," which was
8 none, "please state the amount or rate of pay of
9 each and every person hired by Santander in its
10 Fraud Prevention Unit from 2010 to 2017."

11 Again, this question has not been answered
12 by Santander. Do you understand that that
13 information is important based upon the theory
14 of facts and the proof that we intend to show in
15 this case. Is that information available in the
16 system as well?

17 MR. MELNICK: Objection.

18 A. Yes.

19 Q. I'm going to switch over to Interrogatory Number
20 13, please.

21 A. Okay, I'm on it.

22 Q. "Please state the name, date of birth, business
23 address or last known residential address of
24 each person if no longer employed by Santander

1 Q. Can you tell me what the offer was?

2 A. It was a Mutual Separation Agreement delivered
3 on that Monday, which I believe was the 26th,
4 it's that Monday. It was the day the
5 agreement -- that was the meeting I didn't
6 attend. That was the day of the meeting with
7 Dan Hyland, Kim Williams, Perry Vachon and Gail.
8 So I believe that was the 26th, it was a Monday.
9 And that was the week I was on vacation.

10 I'm sorry. I apologize, I got
11 sidetracked. What was your question that you
12 wanted me to respond to?

13 Q. What was the offer? How much money?

14 A. It's not money, it's a Mutual Agreement whereby
15 she was presented -- from my recollection, the
16 Mutual Agreement was to be with employment
17 through August 25th of 2017. So she would stay
18 in a non-working notice.

19 Q. What does that mean?

20 A. She would be paid with no interruptions to any
21 part of her benefits or pay during this period
22 of time. She just would not be required to come
23 into work and do any work.

24 Q. Okay. So over a half of year payment,

1 June to -- eight months?

2 A. No. June 26th she got the agreement, and the
3 termination date was going to be August 25th, so
4 it was two months later.

5 Q. Okay. So that's the amount of payment or
6 continued compensation she would have received,
7 but after August 25th that was it?

8 A. Yes, that, and the non-contesting of
9 unemployment was part of that.

10 Q. Is that the standard offer for somebody who has
11 worked for Sovereign and Santander for 30 plus
12 years?

13 MR. MELNICK: Objection.

14 A. I don't put those agreements together.

15 Q. Who puts those agreements together?

16 A. A combination of -- there's a person in my team,
17 Employee Relations Team, that works on those
18 agreements.

19 Q. Did you think that two months was fair and
20 reasonable for Ms. Sweeney after 30 years?

21 MR. MELNICK: Objection.

22 A. It's not for me, I don't have any say in what
23 the parameters are.

24 Q. What is the name of the person who makes the

1 A. Wait a minute. I said yes, but that wasn't my
2 answer. Let me just -- what was the question
3 you were saying?

4 Q. I'm just going to enumerate what I understand to
5 be the causes for the mutual separation. Okay?

6 A. Mm-hmm.

7 Q. It is the, "Please speak English, we're in
8 America." Is that one of them?

9 A. That was one of the scenarios that was reviewed,
10 yes.

11 Q. The snitch comment that she knew somebody in HR
12 that she was going to report to?

13 A. That was part of the investigation.

14 Q. The claim that she made some mention of black
15 people not working or "that's what they do"?

16 A. Yes, that was part of the review.

17 Q. What else?

18 A. The instance with Sasha on her lunch break about
19 speaking in her native language and it bothering
20 her.

21 Q. And that was a part of the reason for the mutual
22 separation decision made by Santander?

23 A. That was one part of the investigation.

24 Q. Can you tell me what investigation you did about

1 that?

2 A. So it was part of the whole investigation. So
3 when you say what investigation -- my review in
4 totality of this was encompassing the initial
5 complaint and then everything else that was part
6 of that.

7 So I recall when I was meeting with
8 Ms. Sweeney the day that I spoke to her and I
9 was talking to her about various scenarios and
10 allegations, and when I brought up this, I
11 remember her saying to me, "Oh, I know who that
12 is, that's Sasha." And she knew right away what
13 that was, and she said, "You know, I'm on my
14 break, too." I remember her telling me that.
15 She said that Sasha speaking in her native
16 language was bothersome to her, had a
17 conversation with her about it, and admitted to
18 that conversation in the break room.

19 Q. Do you recall that she said that she had been on
20 the phone all day herself and just wanted some
21 peace and quiet in the break room?

22 MR. MELNICK: Objection.

23 A. Yes, I do.

24 Q. And you took that as being true?

1 MR. MELNICK: Objection.

2 A. What Gail said about wanting peace and quiet?

3 Q. Yes.

4 A. I have no reason to doubt her on that.

5 Q. Did you think it was because Sasha was speaking
6 Russian or because Gail just wanted peace and
7 quiet?

8 MR. MELNICK: Objection.

9 A. So in terms of how that was presented, Sasha
10 said that she was asked about her speaking in
11 her native tongue, if that's what Ms. Sweeney
12 asked her about, like "How long are you going to
13 do this? I just want some peace and quiet." It
14 was a break room that's available to all
15 employees, and one employee was having a
16 personal conversation in her native language, as
17 she's allowed to do on her break, and it
18 bothered Ms. Sweeney that she was talking in the
19 break room and talking in her native language.

20 Q. In your experience and understanding of the
21 rules and regulations of Santander, what was
22 wrong with her asking her to step outside to
23 have a phone conversation?

24 MR. MELNICK: Objection.

1 extracted two customer complaints that were
2 embedded into an email. I don't know why those
3 aren't on there.

4 Q. This is SBNA 000154, correct, on the bottom
5 right?

6 A. I just got out of that. It was the email I just
7 read -- yes, 0154.

8 Q. Because all I have is that one page, which is
9 why that's the only exhibit under Number 18.

10 There's no attorney copied on this, is
11 there?

12 A. I didn't see one. It was just from Dan to Kim
13 and I.

14 Q. That's all I saw too.

15 On the forward, it says, if you look, from
16 you it says, "FW: G Sweeney - EAR complaint."
17 What is "EAR complaint"?

18 A. That would be, it's called "EAR complaint" and
19 that's a retail -- it's a way people can raise
20 concerns through a system within the retail
21 world, and that complaint came in through that
22 platform. And those get raised to the
23 respectable departments or areas that need to
24 manage the complaint. So that's why Dan or

1 it. I just said, "These were the allegations,
2 who said what." My handwriting was who
3 substantiated or who was witness to that.

4 Q. So the names on the side come after you spoke
5 with those people?

6 A. No.

7 Q. So TG, when was that written? Do you know what
8 I'm saying?

9 A. I would like to go back and correct. So those
10 were some other -- when I was going through my
11 review of my paperwork, I was going back to say
12 those were my comments made after I talked to
13 them, who would have further knowledge or
14 information and interview notes, because I had
15 spoken to ten people. So that was after,
16 because clearly I didn't interview those people,
17 all, I believe, on that particular -- by that
18 particular date. I would have to go back and
19 double check.

20 Q. Your first interview was with Gail, though?

21 A. No, I believe Gail, I interviewed on the 21st.
22 I spoke to Corey Black, I believe, on the 16th,
23 and then I would have spoken to some people -- I
24 pretty much think I had most of the people most

1 likely interviewed before I spoke to Gail. So
2 those were people that had indicated to me that
3 particular issue if I had to go back and
4 reference my notes. That was my quick way of
5 going back to say who said it so I could go
6 back.

7 Q. Just towards the bottom, it says "question mark
8 use core."

9 A. Where --

10 Q. I'm on page 393, and it says, "question mark use
11 core."

12 A. 393.

13 Q. Just between 2 and 3.

14 A. Yes, I see it. I think that might have been
15 something about a system, like there might be a
16 system for -- because there was a concern about
17 people alleging that Ms. Sweeney was turning
18 down customers that either didn't talk English
19 or, you know -- and I believe that was the name
20 of some information that Ms. Sweeney provided.
21 Like the translator -- it was a system.

22 Q. Was Spanish training ever given or provided to
23 any non-Spanish-speaking employees in 2016 or
24 2017?

1 share this with the employee so they can see who
2 the accusers are and the substance of what
3 they're being accused of?

4 MR. MELNICK: Objection.

5 A. It is the way that we conducted this
6 investigation -- that I conducted this
7 investigation. We don't typically -- we
8 tender -- we conduct investigations. We ask the
9 question of whether they did it, and then to get
10 the response. And in this case, Gail did
11 respond if she had those behaviors or actions.

12 Q. She had no choice but to respond because she was
13 trying to keep her job; right? She would have
14 been fired if she didn't meet with you?

15 MR. MELNICK: Objection.

16 A. That's part of the Code of Conduct. Code of
17 Conduct requires participation in
18 investigations.

19 Q. Okay. So Ms. Sweeney's only opportunity to
20 respond to any of the claims made by
21 Ms. Almeida, Triana, whomever, was in this
22 meeting with you. True or false.

23 MR. MELNICK: Objection.

24 A. The day that I interviewed Ms. Sweeney, we had a

1 conversation and I heard her responses and what
2 she feels she admitted to and what she denied.
3 And in terms of -- I don't know -- if
4 Ms. Sweeney was looking for copies of
5 investigation notes or things like that, those
6 are things we don't provide as part of our
7 investigation process. But she got the
8 communication and the outcome of it, it is my
9 understanding, from an explanation at the day of
10 her Mutual Agreement where it was provided to
11 her as an outcome and what was substantiated and
12 the reasons why.

13 Q. You know, I'm just talking about in the concept,
14 and I'm going to be objected for this, for sure.
15 You know, we need to confront our accusers. We
16 need to understand what we're being charged with
17 in this society and our democracy and the
18 public. She only hears this conclusions meeting
19 with you, and you take handwritten notes of
20 these conversations, which got to be stressful
21 for her and laborious for you. So I don't
22 understand why you couldn't share this with her,
23 these are claims against her.

24 MR. MELNICK: Objection.

1 Q. Can you tell me the number of pages that that --

2 A. It appears to go to 413.

3 Q. How long did it take you to interview Triana?

4 A. I don't recall, but probably anywhere from a
5 half an hour to 60 minutes, but I don't recall
6 the exact time frame. I can't remember any of
7 these going super long.

8 Q. And no copy to Triana either, as I understand?

9 A. No.

10 Q. The next one, June 20th, is that Andrew
11 Grossman?

12 A. Mm-hmm.

13 Q. How many pages is Mr. Grossman?

14 A. It appears it goes to 416.

15 Q. And I see at the top he was terrified of a
16 60-year-old woman.

17 MR. MELNICK: Objection.

18 A. He told me that.

19 Q. What's that?

20 A. He told me that. That was his quote.

21 Q. And that concerned you?

22 A. Yes.

23 Q. Why?

24 A. People shouldn't come to work terrified.

1 want to open an account, but their native
2 language is Chinese and we just happen to have a
3 teller or a banker in the branch that can speak
4 Chinese, we're going to ask that person to help
5 if it is the request of the customer to speak in
6 that other language, and that's fine.

7 I hope I've answered that question. So
8 there is no prohibition from speaking your
9 native language; we just ask everybody to talk
10 in English if it's a work-related meeting and a
11 conversation geared specifically to something
12 that encompasses everybody at that table or in
13 that conversation.

14 Q. I'm going to paraphrase severely here, but as I
15 understand it, there was an issue that arose
16 during the investigation that several of
17 Ms. Sweeney's colleagues were speaking amongst
18 themselves in Spanish, I think it was Triana and
19 Jake and --

20 MR. NEYMAN: Objection.

21 A. It was Triana, Jake and Jose.

22 Q. What is your understanding of the nature of that
23 conversation? Was it work related or personal?

24 A. How it was described to me, it was Jake learning

1 to speak Spanish and that Jose and Triana were
2 with him and Jose, and they were just talking
3 about him learning the Spanish. And it was a
4 conversation just amongst those three.

5 Q. Not work-related, to your knowledge?

6 A. Just about Jake learning Spanish is how it was
7 described to me and his becoming more fluent.

8 Q. Shifting gears again. We went through your
9 handwritten notes, I'm not going to ask you to
10 go through them again. I'll ask a broad
11 question. To the best of your recollection are
12 the notes that you took accurate?

13 A. Yes.

14 Q. Last question for me. In the course of your
15 investigation, were there any other potential
16 witnesses that you were aware of who may have
17 knowledge about Ms. Sweeney and her conduct that
18 you did not speak with?

19 A. I spoke to everybody that came -- that was made
20 apparent during the interview with Ms. Sweeney
21 and all others. If somebody presented to me
22 that would have been a witness or somebody that
23 would have overheard it or even thought they
24 overheard it, I interviewed.

Fitch-Urbano Dep.

Exhibit 21

(*) emotional @ end
bright up issue
years go

Investigation Notes: Gail Sweeney

Date: June 21, 2017

Time:

EXHIBIT 21

Karen Fitch-Urbano
10/7/20

Stenographer: Camille Macomber
RPR, CSR #149608

Gail was informed that a formal complaint was brought to the attention of her management and was transferred to Human Resources/Employee Relations on June 16, 2016.

Investigation into the allegations is occurring; the reason of the meeting today was to bring to her attention the allegations made about her.

She was informed that the allegations discussed came from one or more TM's.

She was asked to answer honestly.

She was asked to maintain a professional demeanor in the department and bank environment after the investigation meeting was finished.

~~ADA~~ Karin addressed the following allegations with Gail:

- TG
JC
JS
AA-TG
1. Alleged : June 14, 2017 issue with Triana, Jose and Jacob (speaking Spanish)
Did you say to them "You need to talk English"
Did you tell Triana she was "rude" after she attempted to discuss with you?
 2. Alleged: Comments about what you've stated out loud or to a colleague/customer
"They're in America, must talk English" –
"Please speak English" to a customer who is not fluent in English – notes #2
"In America, we speak English" – NO

Alleged: Turns down callers if ESL

→ Complains about

ref to someone

(* EA) (Complains about people w/ accents)

? use CORE -

3. Alleged: You told TM(s) that your manager (Jose) told you to "watch out", that you were told people were watching you, and he told you people are putting you under the bus"

date "People are my friends and they're not" by Jose

denied

CB

TG

EA

4. Alleged (April): You told TM's "I'll bring it to HR if I find out who's telling on me and I'll find something on them" - Never

- Alleged: "someone's snitching on me" - NO

I do say
snitch out word

EA

5. Alleged: being overheard stating

"I don't like them" (James)

"I don't like the sound of their voice"

"I don't like the way they talk (accent)" - NO

} Several on phones we all comment
"James" he never stops
or: I can't talk
talk anymore - no let up
only do by

EA (she picks on him)

OB

6. Alleged: being overheard stating because you were not pleased with the colleague(s)

"Oh just shut up"

"God, will you shut up"

Not to his face

Roll others:
Roll eyes + agree - I'm a dork - others say it too
everyone yes's me (who? or name)

EA

7. Alleged: Have you ever made a comment about a colleague(s) referencing he travel ban
and stating that those colleague(s) "wishing those people would go back home"

AG

(+ Lisa said Edith told her) → Never

EP

8. Alleged: Comments about African American colleagues

"this kind of race makes these mistakes" - Never

"what do all these black people do here? They all just stand around" - Never

AG

* TG heard her say "these people" - but

was in phone ? said
part of Colon

EP

9. Alleged : comment
"I have friend(s) in HR" (who can defend (EA))

AG

NO - I don't

* Jose called her a bigot (EV)

* James → Rolls eyes in disgust

* Jake New Hire = was told to watch out for her
told she has friends in HR.

AA

Way back I was on break - I'm on phone all day long I need I told her it was my break & to stop me.

10. Alleged: witnessed a discussion between you and another TM while a TM was on a designated work break (admitted)

You asked the TM if they could refrain from speaking in their native tongue on their personal cell phone conversation. You stated to them it was disturbing you.

11. Alleged: you turned off a caller because they did not pronounce your name correctly, and that bothered you.

NO -

12. Alleged: TTY caller

"We shouldn't have to take these calls" after a manager told you to assist the caller

I asked if we have to - Robo calls

Δ's come through
I told

& 3rd party calls

I new it was a caller for hearing imp. caller

? Resistant to Δ = just came from Dan's mtg
holiday Δ -

? You complain often } alot do -
talk openly } others do too

? Dont like when people } joking!
appear happy }

#1 it how I grew up
Connors w/ Jose + Triana a lot

It should be English

+ rule of thumb #1 they in here should be English

what is the need? in Spanish
its a constant comm between
them

Triana + Carmen - Spanish } (child
Jose + Carmen of friends)

I get along fine w/ all

#2 Conversations in w/ Jose

Calls w/ Jose - Spanish speaking

↳ usually to French - then interrupter
← got reprimanded sendy to branch.

Jose said - send to Int. line.

nobody does it - its whatever float boat

Proc: go to Int line - do you? it depends
time limits - on call 1 hr.

We are America - should speak English

- Triana friends
- Sasha
- Luke, Andrew Brian, Coney Black, ? Lisa
- (Meets)

last feedback: didn't have

H w/ him - can't remember

} context
recall
last feed
back
sess

I could switch around
be harassed by this group

I could say I'm being harassed

(*)
told of
prior issue
caused
a
medical
visit

Jose told me - u: customers/ int'l int'l
speak ESL - go to branch

how do you think 4/14 felt - ^{of harassing}

Waited about what he said?

formal ^{→ harassment}
Triana filed a complaint against
Augustus - told us all about it [→]

spoke openly to the group
Brian, Andrew Luce, Corey,
she told them all she filed
complaint about Augustus.

how handle go back to desk?

3 yr ago

Christine Ramatan - style

2nd retng
Jose said it
was a mistake

Kim Foisy

G sat beside me

wanted my desk -

I'm known as a bitch -

"most strong women are"

left w/her

She did my P.R - on open floor

Carol Gilbert - David Gagne - Erica L.
(useless)
↓
"go fr it"
"go fr it"

Disturbed Kim:

on floor - in aisle

hell of a 3 hrs in dept.

"PM" 2015 - asked for mtg
2014

G met occurred -

Kim: are you ready
met with (HR? who)

(out w/ them)
LOA & others
pulled out records
proof - Party late CPK
swipe issue
WS on e phone
before building

6/16

Joy Black / Gail Sweeney
CR Jose

→ 1st time * talking →
bunch of us talking to miners by months +
months - all details - they did nothing
"She doesn't care" • Jose Clark
• Christine Ravatha
• Eddie Vige

Q: Who is manager?

A manager told her before -
"Watch out" - people are
watching -
people around you are putting
you under the bus

1-2 months ago
if I find out who? I'll find
somebody on them

told CR last week - had enough
Christine + I went to Km.

"She says a lot"
Jose hears a lot - he's scared of her

things - last time
Jan "new people". Many times /x week
& take any spanish calls on line
make them go to branch because
they should speak English b/c they
are in America

Who? One of our tellers is broken english

last week 6/14/17

in WLS

(I traij new person
Edith "traj new person" } one board
Triana traj new people } SK
We could all hear Gail showing off
we are a mix of culture can speak
my friend Triana + Take Spanish about an
speaks Spanish w/ Jose own
turns to me 1st conversat
"speak English" → about an account

turned to me 1st
"speak English"

turned to Triana and

"You need to speak English
in this dept."

"Your audi" (over + over)

Triana - native language

Jose was there - just worked her.

Triana back + forth w/ Gail

She does this a lot
acts like our manager
Very bossy!

She tells Edith to stop talking to
another guy (James) Gail
or like him - tells him "ss"

Oh "just shut up already"

Edith spoke to most - (? who)
+ doing anything

couple times - she talks to Andrew
Grossman

"Why you smiling?"

Edith
+ talked
to anyone
in mouth

wants
sex
moved
offended
by gail

Prior inc bright to

CJ turning down calls (to speak English) because
EV "Well they're in America - must
speak English"

Out loud

Jose was present on 4/14 - he
did nothing

? he scared of her?

- body lang
- he threw us under the bus
re: "System" Watch out

I thought it was in email?

He sent her FCC - you don't know
using the system

She point blank asked me + others
if I told Jose about system

She wanted to know

You don't want to confront her.

Gael
Jose
Christine
Eddie

New Triana Gislio
Jake Stacy (up to?) Jose

Andrew Grossman

Edith Almeida ✓
Lesa Alrashid ✓

bunch of us "

all in area)

- Luke? last name
- Brian Haddock
- John Thayer
- Lesa Alrashid (said something about her)

↓
dry travel ban

folk "She should go back to her country"

To thd Lesa is aware of this.

W/ her

Wednesday June 14th: Triana, Jose and Jake conversation.

Did you witness?

What did you see/hear?

ND

Have you heard Gail say "You have to speak English in this department" or "This is America, you need to speak English?"

People say she says that

Have you ever heard/seen Gail turn down calls because the caller did not speak English or have an accent? said "I don't understand you"

? why

✓ Did you ever hear her make comments about the travel ban?

Yes -

Have you ever heard her reference people of color as to "these people make mistakes"

Did you ever hear her say "I have friends in HR?" No

Jose & my Mgr - I don't think he has dialogue skills
she is not friendly - "yw should be careful" → said it loudly all cold here
Jose → people around you I can't find something on you

Did she ever ask you or make a reference about someone "telling" on her and she will find out and get them into trouble?

not to me -

Lisa

Q directly

She

executive order from Trump

heard
from
Edith
"I can't wait to get rid of her"
(Gail → Edith) → Lisa

I don't know how they speak English
This is American

Andrew told me thys about
Black comments she's mad

Q filter - says what she wants

2-3 mos ago

Christine (noc shift)

me, Andrew, Corey? who else

told her about Gael

- accents / - other ethnicities

- colored people

- what was said about me

[Why & big up here]

"we're afraid"

(all heard him)

& say anything / I'll look into it

Wed 8/16/17

(month ago) Jose - call Premier Customs
BM on phone 13K payment
removed error (could assist further)

punched
prime &
food out of
her mouth

Asked speak w/ Mgr

Went to Jose - & take call

He only does this to me - only my calls

Triana fixes his emails for him

walked away he took Triana's calls - Won't take mine

I avoid him!

I'll go to my peers before go to him
its racism -

When told Jose → HR mtg (w you)

"(Aux #7)" he stated loudly
& upset

Holidays - issue now

Gail + Kelly crying

last Edith - did a lot - not talking

2 mos used to be fun - she looks sad

TMS know about Jose / James
he's in trouble

smoke meat gossip

G? go to Dan - didn't want to get
him fired

They
know
it's
true.

6/19

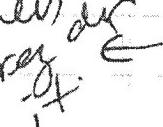
Edith Almeida

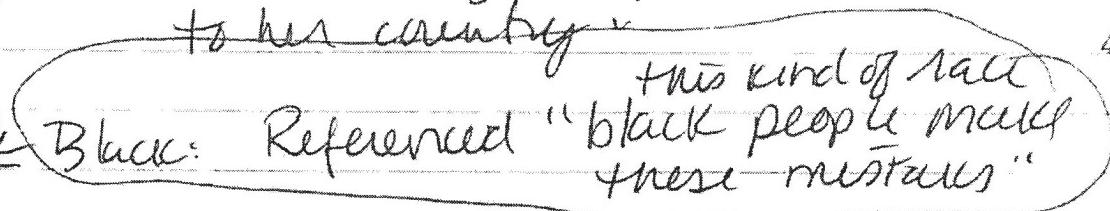
Confidentiality
 Prof Env
 EIR

Gail Sweeney complained

Speaking about "speaking Spanish"
Stop talk Spanish - side - this
is American

Issues w/ Mac's
mention callers w/ other lang's
& help

When did
prey 
Syria "refusing her intvw" I hope
"she hopes Prg Trump sends back
to her country" 

1 mo ago  Black: Referenced "black people made
these mistakes" 

stated "I have friends in HR"
can defend her

Called to Christine (Trump + Black)
@ later date

? say - wd follow up w/ it

? get back to you? — no

did you ask for?

told me & talk to James
in am "good morning"
concern - how was day/weather

G whispered - stop talk to her
cant stand his voice
G just to me

Q

Why she say this?

- diff to deal with
- e James start sitting in front of her
- "I cant stand his voice"

ignores him - picks on him
she emails mgn - when he repeats
on call.

Can you stop eating oatmeal
I'm sick + tired of see you eat
email.

after I told Christine - it got to
her attention - she came down
"someones snitching on me" →

if I knew
asking me who did it →
I told her no
(Talitha Almeida) I would have had to put into answer
"her manager told her". (Jose)

I asked C.R. to move my seat
I was offended by comments.
Spoke to Kim (? Foisy) (months ago)

[She complains about people w/ accents]

I have an accent!

I may not always let her
comment w/!!

end

6/20 Triana Giglio

(^{The} bothered by
accent)

Wednesday June 14th: Triana, Jose and Jake conversation.

Did you witness? Yes

What did you see/hear?

* first time 2-3 time ducted a mo
"rude" "don't speak any other language but English"
"I've heard her say xx about 'America - Speaking'
and other languages.

(edict)

↑

Alexander [] Have you heard Gail say "You have to speak English in this department" or "This is America, you need to speak English?" Yes - to others

Petravka insinuating "someone" - but states

told Sasha - in Russian "stop - it bothers me"
on her break or lunch.

Have you ever heard/seen Gail turn down calls because the caller did not speak English or have an accent? Yes - witnessed w/ last manager

She'll mutter - vent out loud - accent + fluency

Spanish caller - overheard her w/ TM - we're not to

Did you ever hear her make comments about the travel ban? Speak other languages
reason why we have
translators.

No

↳

Have you ever heard her reference people of color as to "these people make mistakes"

Yes - while ago I remember hearing her say
that - I was an accent.

Did you ever hear her say "I have friends in HR?"

Yes - when she's unhappy w/ D's or happy
? statement of fact.

Did she ever ask you or make a reference about someone "telling" on her and she will find out
and get them into trouble?

Yes - I've witnessed - & asked my

I'm direct - our interactions are minimal

Told Jose: Gail was (he did nothing) to avoid conflict

rude - disrespectful + racist (Flag Day)

↑
She told Jose before
about Spanish comments w/
her in HR
about Spanish comments w/
her in HR

CONFIDENTIAL

SBNA 412

4/20

Triana Giglio

temp - 3mos

6 mos

~~With this~~ w/us AND i

like this w/ customers

I made (completely) -

What's your card #

NO Not that - I need you.

xx #

tone
demeanor

know who
the customer
are -

G ongoing + constant since

I've worked as Temp Reg EE

Jose / Quil know each other
(appear) he & address issues like he does w/ other

- She appears unhappy

- Complain w/ all A's @ bank

- bring down morale

- it 'sucks' to have someone complain all

day.

4/20 Andrew Grossman

Wednesday June 14th: Triana, Jose and Jake conversation.

Did you witness? yes

What did you see/hear?

Gail said "speak English loudly"

Have you heard Gail say "You have to speak English in this department" or "This is America, you need to speak English?"

Say this before

Have you ever heard/seen Gail turn down calls because the caller did not speak English or have an accent?

Yes / yes tells them to go into a branch

Did you ever hear her make comments about the travel ban?

Yes - she has "go back to her country")

Have you ever heard her reference people of color as to "these people make mistakes"

No - ? know she says everytij

Did you ever hear her say "I have friends in HR?"

Yes

Did she ever ask you or make a reference about someone "telling" on her and she will find out and get them into trouble?

& ask me - has asked others

Shared w/ Eddie / Jose / Christine
we've talked about her (@ night)] over period of time

I'm tired of her:

6/20 Andrew Grossman

Sit next to her
say this

Augustus
Rashad
Justin

→ ref: 3 black colleagues

Month ago. "what do all the black people
do here - all just stand around"

Editing talk to her anymore

What are you smelly for? to me

She has a lot to say about everyone

Last Thursday - CCC rep's "hows day"
(God - will you just shut up?)

* Blatant racism

* She & like D's

she is beligerent about it

loudly voice her opinion

no filter

Jose - sat feels given here by - him
she's above + untouchable

Very confrontational woman

she shuts down w/ S's
apple pay (calls)

→ 2 month

last week - help me
(what have you been doing)
she does what she wants
(ie: & do D's)

She complains loudly to Jose

Edith just went "silent" due
to her - because of how she acts
stated mos ago.

6/20 Janice Berard
niggs

She's short w/ people
shes frustrated by d's

No issues w/ her.
haven't heard

w/ Customer Calls

- she's curt
 - she's short
- gets frustrated
& have their info
or card ready

Some TMs - very good
S

Customers:

"They're stupid"
"They're downright conniving Fraud"
"Fraudsters" (never assume!)

"heard?" & derogatory
grammar

Colleagues - see down her high "curt"

she sits next to Edith
& intercept

"Friends in HR" - NO

she has stated "complained to HR"
ie: e by of holidays

pull calls - get an idea of who/where
she is



"Call back when you have
your card reader"

"Call back when you have
your info avail."

[make every attempt to assist]

She gets a lot of calls from her
grandchildren all day

Potential
X
some
"unique" alarm or ring (you know)



Jose & tell her to set off phone
he has taken my head off when
I used my phone

4/14:

& hear her say *disgusted look*

but she did roll her eyes

body language → sway head
gesture

(Bob's Team)

Ruth

[Gina, Jacobs, Jose]

She's not a happy person

She's got leeway w/ Jose

I Phwle try to grandchild & desk
partying in morning

6 month ago - not recently

@ time I got reprimanded (& even
unclock)

6/16 Jake Stacy (re: Gail Sweeney)

talk w/ Triana
all day - looked annoyed afterwards

I heard Gail made "this is America"
"we speak English"

Triana
told
me

I was attending to my work
All were annoyed

[I know Triana heard -]
? Jose

Nature - } just the 3 of us
of course }

? my first day - she was on phone
she hung up phone on call

I was so new - she hung up on then

Practical: Avid Donald Trump supporter
Comments:

I brush stuff off - I don't listen
she talks out loud - openly

holiday issue on Thur after
Gail hates wks her
looks for new job
Can't be worse than here (w: Citizens)

My 1st couple days -
bounced around TM's
one told

"Watch - don't say anything to
Gail" - she has way of
finding thys out.

She has "friends" in HR
"as qualified" Am her friend

1/20 Aliaksandra Astrakova & Pullup calls

Wednesday June 14th: Triana, Jose and Jake conversation.

Did you witness?

What did you see/hear?

NO

the way she } Jose ↗ Mgrs are aware
hardly customers } ↗ Christine of whats going on
 ↗ Eddie → she's /ovg we all here her
 w/ customers

Have you heard Gail say "You have to speak English in this department" or "This is America, you need to speak English?"

Yes - similar

Have you ever heard/seen Gail turn down calls because the caller did not speak English or have an accent?

Yes - actually "Can't understand you"
please speak English
+ hang up.

Did you ever hear her make comments about the travel ban?

NO

Have you ever heard her reference people of color as to "these people make mistakes"

NO

heard people of color commenting on

they heard her say it.

Did you ever hear her say "I have friends in HR?"

not long ago ↗ received call on old team - "HR - like to talk to Gail"
NO inbound

Did she ever ask you or make a reference about someone "telling" on her and she will find out and get them into trouble?

NO

favorite = NO

(She is very intimidating)
Mgrs & want to confront

6/20

Sasha

as contractor
told my TM's
in Russi

about
year ago

how long doing that
"that" talk in Russian,
Your disturbing my lunch
I snapped @ her & left
gave her silent tx

other to me no

I hear re: how treats customers

Spanish called

P+P → to translation

→ "In America we speak English"
go to branch.

alleges! TMs brought this up to Mst. prior

Iol
heart
her

now w/ Eddy

she says "hi" to me now
that I'm another team

6/21 Christine

Wednesday June 14th: Triana, Jose and Jake conversation.

Did you witness?

NO

What did you see/hear?

heard from Cory

Have you heard Gail say "You have to speak English in this department" or "This is America, you need to speak English?" NO

others say she says it

Have you ever heard/seen Gail turn down calls because the caller did not speak English or have an accent? Not directly

heard from others

Did you ever hear her make comments about the travel ban?

NO

told about Travel ban - Lisa or Said "go, because home" → never times

Have you ever heard her reference people of color as to "these people make mistakes"

NO

not directly - I wd of said somethg
She makes comments about all races

Did you ever hear her say "I have friends in HR?"

NO

I heard this from Cory

Did she ever ask you or make a reference about someone "telling" on her and she will find out and get them into trouble?

NO

I told Kim last week
she is a bully

she thinks shes above it all

Did THMs raise issues? (ie: Edith)
(Trump + Black) ? when

- any follow up?

- ? move seat (when?)
(Kim Foisy) - in charge of seats

? after hours convos / hallway convos

↳ yes - that's how I heard
about it

4/21

Christine

Edith

new to my team

2/3rd 1-1 - in (? March) → ^{absent more} told "racist"

uncomfortable

↑ racist remarks (told Dan more seat)

Calleo's "need to speak English"

I suggested to move seat
& happened opt.

Edith
so + compleat

told JOSL
front w/
call

Cory Black - → they hear all she says
Edith

Cory mentioned in past -

Rude - hangs up if they don't
speak English

acct # info - refuse to ID then

↓ I told Jose this

New hires - on outside

4/14

Cory sent me message
7/15/15 - in Spanish - quit issue

Corey having to hear behavior,
I'm sure did hear bad 1st impression for New TMs
took it to Kim - it's happy again
Corey spoke to Kim
Kim asked Corey to talk to HR (Kerry)

Trump

"Going Back to Countries"

+ I hear more - why Monday NoCs

Andrew - power also hears him "why
Smiley"

? last week call

"We shouldn't have to take
these calls"

will
shouldn't
have to
take these
calls."

Operator calls - Jose told me no

I told her it's a TTY call -

PR: take the call - authenticate

Is Jose afraid of jail?

Mouth back } as manager
so rude } bad perfms
} hard to deal with

Eddie pulled calls - Complain

Eddie - she was on PIP
on way to - disciplin
& happened.

a lot of complaints about her
why not deal w/ it.

8/20: E. Verga

(P- 2015) → SUP

Jose said she's fine

& 2016 = he gave her

2 meets

(no improvement)

long time coming

Rude w/ customers

Known she is a problem (well known)
too far away to overhear

["I think
she's afraid of her
(Jose)"]

"Gail being Gail"
fighting new D's on P+P

I wd have never supported
her "Meets" 3.5 ratings

? Jose try to avoid? → SUP issues
he D thought she could post out

Eddy

Wednesday June 14th: Triana, Jose and Jake conversation.

Did you witness?

What did you see/hear?

NO

Have you heard Gail say "You have to speak English in this department" or "This is America, you need to speak English?"

Not directly - through hearsay

Way back to April 2017 ← from Corey + Andrew, John ...

sent cell

Have you ever heard/seen Gail turn down calls because the caller did not speak English or have an accent? NO - but heard - reported to José

March One time she turned off a caller because she 2017 didnt say "Gail" correctly

Did you ever hear her make comments about the travel ban?

Not directly & Lisa used to

Have you ever heard her reference people of color as to "these people make mistakes"

NO Not directly only 3rd party (TM's)

Jose said shes bi-racial.

Did you ever hear her say "I have friends in HR?"

Not directly - through people / others

Did she ever ask you or make a reference about someone "telling" on her and she will find out and get them into trouble?

NO

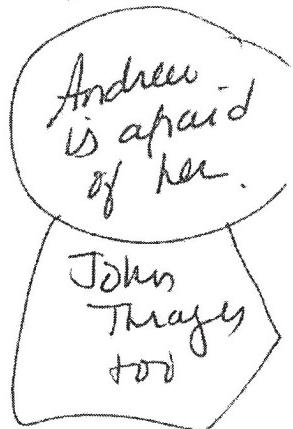
Manager Questions:

Are you aware of TM's having issues with Gail Sweeney?
Please describe what you know:

my staff - no
~~no~~ my staff here FCC area staff
what do you do w/ that -
March Pulled aside next morn'g
29 G told him

March time
↓
staff they were
uploading
↓
told Dan
↓
sense of
urgency
unfavorable
comments

What did you do with this information/ how did you handle being informed of this
told Dan + JCSL



Did you follow back with the TM(s) that complained?

keeping myself open



Did you ever tell Gail to "watch out -people are watching you"/ if so-why?

NO I don't talk to gail
my interactn w/ team is limited

- CR: Moving EA seat? How have you handled? And reported back to EA?
- If you knew about the "race" comment, why didn't you address it or move it to a Sr. Manager?
- JC: Gail is telling people you are stating "watch out"
- Why didn't you do something on 6/14

6/20

Jose

2016 Ratings: 3.5

Wednesday June 14th: Triana, Jose and Jake conversation.

Did you witness?

What did you see/hear?

We shouldn't speak spanish yes
Triana responded - got back to quit next day
→ Kim asked me what happened

Coached in March + April -

→ Customer interactions

→ follow script → Follow P+P → Customer Complaint

Have you heard Gail say "You have to speak English in this department" or "This is America, you need to speak English?"

SHE says - as a general statement "why ^{is} speak English".

Have you ever heard/seen Gail turn down calls because the caller did not speak English or have an accent? I believe so -

April 6, 2017 ↗ She can't understand customer ↗ Refused to assist Caller to Caller

Did you ever hear her make comments about the travel ban?

NO -

Have you ever heard her reference people of color as to "these people make mistakes"
"make mistakes" - heard ? knew it was "color"

Augustus: How did we hire this person - We need to train her about mistakes
Did you ever hear her say "I have friends in HR?" ↗ not color the "person".

NO -

Re: HR: only discussed S's wl schedule

Did she ever ask you or make a reference about someone "telling" on her and she will find out and get them into trouble?

NO

"Better watch out" - customer interactions
d/t the call issues - already in Quality records "We're watching you about"

65. Why am I being singled out? - (removes)

Manager Questions:

Are you aware of TM's having issues with Gail Sweeney?
Please describe what you know:

✓ No -

Christine - said Edith issue
couple mos ago.

Christine - "shes bad"

assistant to A
assistant for new
tasks

tried flexibility
G refused new
outcome

= going on
for about a
year.
(oo.law)
D's

What did you do with this information/ how did you handle being informed of this

Did you follow back with the TM(s) that complained?

I've been
her many
years -
why I
have to
do these
D's

Did you ever tell Gail to "watch out -people are watching you"/ if so-why?

← (see prior page)

- CR: Moving EA seat? How have you handled? And reported back to EA?
- If you knew about the "race" comment, why didn't you address it or move it to a Sr. Manager?
- JC: Gail is telling people you are stating "watch out"
- Why didn't you do something on 6/14

S/

only customers - we know them

some one complained to another manager
remarked -

she is impulsive "customer call issue"
translate issue

assessed - she never uses translate
when needed - part of process! (use to
quiet)

July 8 She had concerns -

Jul 10 What's going to happen = PIP

Jul 8 Quiet for a while ↑ and ↓

Last week → EAR Complaint (Dan responded)
She was Rude to Bank TMs

[She's impulsive w Customers + TM's]

[Calls @ work:] people use phones
work -

(*) waiting for procedure to address
coach to TM's

Concinn's - becomes Unprofessional
the way she is - I want
witness -

I'm not afraid of her.

Spoke to Kim -

re: 6/14 issue

intended to speak to her (in front of others)

(Kim) "hold"

from 2x "P" to (what died)

- Volume

→ did job

→ Team Player (was better) & often

gaps

Schedule: off: Fri/Sat/Sun

only one business need -

w/ & w/o's Miss accommodated that

gut complains ? gaps on schedule

2 wks Reg time to go to DR = called out PTO
another request - again Drs apt
enter time reg on WFM

called out Monday - 6/19: ~~why~~? why
Chris Brown

unusual
not to call my

told Jose numbness in my arms - ? put of my accident last year.

Jose [looking for an out - her game]
I can't work until 7:00